

House Bill 1203

By: Representatives Benfield of the 85<sup>th</sup>, Willard of the 49<sup>th</sup>, Amerson of the 9<sup>th</sup>, Lindsey of the 54<sup>th</sup>, Buckner of the 130<sup>th</sup>, and others

A BILL TO BE ENTITLED

AN ACT

1 To amend Code Section 12-7-7 of the Official Code of Georgia Annotated, relating to permit  
2 or notice of intent required for land-disturbing activities, approval of application and issuance  
3 of permit, denial of permit, and bond requirement, so as to require that certain land  
4 disturbance fees paid to the Environmental Protection Division shall be deposited into a  
5 newly created nonlapsing trust fund to be used for administration of certain provisions  
6 relating to control of soil erosion and sedimentation; to repeal conflicting laws; and for other  
7 purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Code Section 12-7-7 of the Official Code of Georgia Annotated, relating to permit or notice  
11 of intent required for land-disturbing activities, approval of application and issuance of  
12 permit, denial of permit, and bond requirement, is amended by striking subsection (d) and  
13 inserting in lieu thereof the following:

14 "(d)(1) Fees assessed pursuant to paragraph (5) of subsection (a) of Code Section 12-5-23  
15 shall be calculated and paid by the primary permittee as defined in the state general  
16 permit for each acre of land-disturbing activity included in the planned development or  
17 each phase of development.

18 (2) In a jurisdiction that is certified pursuant to subsection (a) of Code Section 12-7-8,  
19 half of any such fees levied shall be submitted by the applicant to the local issuing  
20 authority and half of such fees shall be submitted to the division; except that any and all  
21 fees due from an entity which is required to give notice pursuant to paragraph (9) or (10)  
22 of Code Section 12-7-17 shall be submitted in full to the division, regardless of the  
23 existence of a local issuing authority in the jurisdiction. In a jurisdiction where there is  
24 no local issuing authority, the full fee shall be submitted to the division.

1 (3) Fees assessed pursuant to paragraph (5) of subsection (a) of Code Section 12-5-23  
2 and paid to the division under this subsection shall not be deposited into the general fund  
3 of the state treasury but instead shall be deposited into a trust fund. The director shall  
4 serve as trustee of such trust fund. The corpus of the trust fund and any earnings thereon  
5 shall be expended by the director only for the purpose of administering this chapter. Any  
6 funds remaining in the trust fund at the end of any fiscal year shall not lapse but shall be  
7 retained for use in accordance with the purpose of the fund."

8 **SECTION 2.**

9 All laws and parts of laws in conflict with this Act are repealed.